

counting the number of purchases resulting from link traversals from the advertisement to the second page, the number of such purchases being a measure of advertising effectiveness.

11. (New) The method of Claim 6, further comprising:

counting the number of transactions resulting from link traversals from the advertisement to the second page, the number of such transactions being a measure of advertising effectiveness.

12. (New) the method of Claim 6, further comprising:

filtering transaction logs from at least one server for a particular user to produce the access history.

REMARKS

Prior to this Amendment, Claims 1-5 were pending in the Application. All claims have been rejected. New Claims 6-11 have been added.

Oath/Declaration

As requested by the Examiner, Office Action, page 2, para. 2, a Supplemental Declaration is being filed concurrently with this Amendment.

Applicants' invention

A link from one hypertext document or page to another document or page is "traversed" when a user clicks on the link. That is, the user clicks on the link within the first page, and the second page is retrieved. Within the first document, a reference, typically a URL, to the linked page is associated with the link's text. This can be implemented, for example, using HTML's anchor tag. See the Specification as filed, page 3, lines 9-17.

Whether a link, say from document A to document B, has been traversed can be determined by, for example, examining two transaction log entries from one or more servers

filtered for a given user. See the Specification as filed, page 14, lines 18-20. Thus, a request for document A followed by a request for document B from the same user can be used to determine that a link traversal has occurred from document A to document B by the user in question.

Although the above-mentioned method is disclosed in the application, other methods would be apparent to those skilled in the art after being presented with the claimed teachings.

For example, another way to determine link traversals is to examine the “referrer” field in an HTTP request. (HTTP is the protocol over which HTML documents are delivered.) The Referer request-header “allows a server to generate lists of back-links to documents for ... logging” HTTP Request fields, World Wide Web Consortium web site at <http://www.w3.org/Protocols/HTTP/HTTRQ-Headers.html>, describing HTTP in 1992.

Yet another method could include the use of particular URLs to identify the originating document or web site.

As an example of the invention, document A might be controlled by provider A, and might contain an advertisement which has a link to document B, which in turn is controlled by the seller/supplier, provider B. Provider A charges provider B for the advertising space on provider A’s page.

However, according to the claimed invention, rather than charging a fixed price for that advertisement, provider A charges provider B each time a user goes to provider B’s page from the advertisement on provider A’s page, i.e., each time the user traverses the link from provider A’s page to provider B’s page. To do this, link traversals from provider A’s page to provider B’s page are determined as described above or through some other means, enabling provider A to charge for the advertising based on the link traversals to provider B’s page.

Alternatively, provider A can charge provider B for each sale resulting from such link traversals.

Claim Rejections - 35 USC §112, first paragraph

Claims 1, 4 and 5 have been rejected under 35 U.S.C. 112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art, i.e., “Applicant has not provided a detailed disclosure of ‘charging for advertising

based on link traversals to the page' [or] 'measuring the number of sales or transactions resulting from link traversals.' ” Office Action, paras. 4 and 5, page 3.

For convenience, the pertinent paragraphs from the Specification are repeated here:

Another aspect of the invention is to monitor the frequency and duration of access to various pages both controlled and uncontrolled. A transaction log within a content server keeps a history of each client access to a page including the link sequence through which the page was accessed.

Specification as filed, page 7, lines 14-20; and

Additionally, the server may, at any given time, track access history within a client-server session. Such a history profile informs the service provider about link traversal frequencies and link paths followed by users. This profile is produced by filtering transaction logs from one or more servers to select only transactions involving a particular user ID (UID). Two subsequent entries, A and B, corresponding to requests from a given user in these logs represent a link traversal from document A to document B made by the user in question. This information may be used to identify the most popular links to a specific page and to suggest where to insert new links to provide more direct access. In another embodiment, the access history is evaluated to determine traversed links leading to a purchase of a product made within commercial pages. This information may be used, for example, to charge for advertising based on the number of link traversals from an advertising page to a product page or based on the count of purchases resulting from a path including the advertisement. In this embodiment, the server can gauge the effectiveness of advertising by measuring the number of sales that resulted from a particular page, link, or path of links. The system can be configured to charge the merchant for an advertising page based on the number of sales that resulted from that page.

Specification as previously amended, page 14, line 16 to page 15, line 6.

The MPEP states:

The standard for determining whether the specification meets the enablement requirement [is]: is the experimentation needed to practice the invention undue or

unreasonable? ... [This] has been interpreted to require that the claimed invention be enabled so that any person skilled in the art can make and use the invention without undue experimentation. ... *A patent need not teach, and preferably omits, what is well known in the art.*

MPEP, section 2164.01, Test of Enablement, emphasis added.

Applicants respectfully submit that this standard has been met. That is, once disclosed in the Specification as repeated above, it is a simple matter for one skilled in the art, i.e., one having the knowledge of links, transaction logs and/or HTTP referer header fields, to make and use the invention without undue experimentation, i.e., to “charg[e] for advertising based on link traversals to the page,” Claim 1, or “measur[e] the number of [sales / transactions] resulting from link traversals,” Claim 4/5.

Therefore, Applicants respectfully submit that the subject matter of Claims 1, 4 and 5 is described in the specification in such a way as to enable one skilled in the art to make and/or use the invention, and Applicants respectfully request the withdrawal of the rejections of these claims based on 35 U.S.C. 112 first paragraph.

Claim Rejections - 35 USC §102

Claims 1-5 have been rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al., U.S. Patent No. 5,982,891 (“Ginter”).

The rejection of Claim 1 is based on the Examiner’s assertions that

- 1) “determining link traversals leading to a page,” as recited in Claim 1, is taught by Ginter at col. 288, lines 16-21, col. 287, lines 1-8 and col. 286, lines 47-57; and
- 2) “charging for advertising based on link traversals to the page,” Claim 1, is taught by Ginter at col. 33, lines 41-58, and col. 290, lines 65 - col. 291, line 2.

Office Action, para. 11, page 5.

Applicants respectfully disagree. Ginter does not teach or suggest either of these features. The first of the cited passages from Ginter are repeated below.

In order to make use of the repository, the end user may operate application software. In this example, the end user may either make use of a standard application program (e.g. a World Wide Web browser such as Mosaic), or they may make use of application software provided by the repository after completion of the registration process. ...

Ginter, col. 288, lines 16-21.

Although this passage refers to browsers, which use links, nothing in this passage teaches or suggests, “determining link *traversals* leading to a page,” Claim 1 as filed, as asserted by the Examiner.

The second of the cited passages from Ginter is now repeated below:

... the VDE repository may locate the actual storage site for the content using information stored in content references (e.g. the network address where the content may be located, a URL, a filesystem reference, etc.) After the content is located, the content may be transmitted across the network to the repository or it may be delivered directly from where it is stored to the requesting end user. ...

Ginter, column 287, lines 1-8.

This passage refers to location of content storage, and transmission of content across a network. However, this passage does not teach or suggest “determining link *traversals* leading to a page,” Claim 1 as filed, as asserted by the Examiner.

The third passage cited by the Examiner is now repeated:

In addition to transaction information gathered when content is shipped from a VDE repository to an end user, the repository may be required to keep transaction information related to the receipt of usage information, requests, and/or responses to and/or from end users 3310. For example, author 3306A may require the repository to keep a log of some or all connections made by end users 3310 related to transmissions and or reception of information related to the use of

author 3306A's content (e.g. end user reporting of audit information, end user requests for additional permissions information, etc.)

Ginter, column 286, lines 47-57

This passage discloses maintaining a transaction log which would include information sufficient to determine link traversals; however, it does not teach or suggest “determining link traversals” from such a log, nor does it teach or suggest “charging ... based on link traversals,” as recited in Claim 1.

The fourth passage cited by the Examiner is now repeated:

enable flexible metering of, or other collection of information related to, use of electronic content and/or electronic appliances. A feature of the present invention enables such flexibility of metering control mechanisms to accommodate a simultaneous, broad array of: (a) different parameters related to electronic information content use; (b) different increment units (bytes, documents, properties, paragraphs, images, etc.) and/or other organizations of such electronic content; and/or (c) different categories of user and/or VDE installation types, such as client organizations, departments, projects, networks, and/or individual users, etc. This feature of the present invention can be employed for content security, usage analysis (for example, market surveying), and/or compensation based upon the use and/or exposure to VDE managed content. Such metering is a flexible basis for ensuring payment for content royalties, licensing, purchasing, and/or advertising. ...

Ginter, column 33, lines 41-58. Although this passage discloses flexible metering, nothing in this passage teaches or suggests “charging ... based on link traversals ...,” as recited in Claim 1 as filed. Rather, this passage teaches charging for delivery of a page of content, for example, page B in the above discussion, regardless of how a user reached page B, not for the traversal from page A to page B.

Finally, the last passage cited by the Examiner in the rejection of Claim 1 is repeated below:

... Audit information may also be passed to the analysis system in order to produce analysis results related to end user content usage for use by the end user, the repository, third party market researchers, and/or one or more authors. ...

Ginter, column 290, lines 65 - column 291, line 2. Again, there is no teaching or suggestion of “charging ... based on link traversals ...,” as recited in Claim 1 as filed.

Ginter, from column 279, line 63 to column 293, line 61, which encompasses most to the passages cited by the Examiner, teaches a “repository” for storing products or information resources, Ginter, column 280, lines 8-16, as well as maintaining a transaction log “related to the receipt of usage information, requests and/or response to and/or from end users.” Ginter, column 286, lines 47-57. Ginter also discloses “usage fees,” which are apparently based on “the number of accesses [or] length of time spent using the content,” Ginter, column 290, lines 34-45, or even “particular patterns of usage,” Ginter, column 292, lines 34-45.

Thus, Ginter charges for content. Nowhere does Ginter teach or suggest “charging ... ***based on link traversals*** ...,” as recited in Applicants’ Claim 1 as filed, emphasis added.

Therefore, Claim 1 should be allowable. Dependent Claims 2 and 3 should follow.

Regarding the rejection of Claim 2, it is not clear how, as the Examiner asserts, Office Action, para. 12, page 5, a listing of products which are located remotely, Ginter, col. 286, lines 61-66 and col. 291, lines 2-9, equates to “charging for advertising ... based on the number of link traversals from an advertising page to a product page,” as recited in Claim 2 as filed. Applicants respectfully request further explanation.

Regarding the rejection of Claim 3, it is not clear how, as the Examiner asserts, Office Action, para. 13, pages 5-6, a listing of products combined with a number of sales, Ginter, col. 24, lines 25-32, col. 142, lines 33-35, col. 143, lines 27-28 and col. 286, lines 61-66, equates to “charging for advertising ... based on the number of sales resulting from a path including an advertising page,” as recited in Claim 3 as filed, unless it is the Examiner’s belief that such a path through the advertising page is the only way for a sale to occur. Applicants respectfully point out that there are other ways to access a page, for example traversing a link from another’s advertising page, or where a user directly enters the product page. Applicants respectfully request clarification.

Claim 4 has been rejected based on assertions by the Examiner that Ginter teaches measuring the number of sales resulting from link traversals from an advertisement to a page. Office Action, page 6. The Examiner cites the following passage from Ginter:

... In the case where content references are used, the repository may manage the user interactions in such a manner that all repository content, whether stored in content storage or elsewhere (such as at another site), is presented for selection by end users 3310 in a uniform way, such as, for example, a consistent or the same user interface. ...

Ginter, column 286, lines 61-67. This passage simply states that a consistent user interface is used to present a list of content, whether that content is stored locally or remotely.

Neither this passage, nor any other passage in Ginter, teaches or suggests “measuring the number of sales ***resulting from link traversals...***,” as recited in Claim 4 as filed, emphasis added. Therefore Claim 4 should be allowable.

Claim 5 has been rejected on the same grounds as Claim 4, and for the same reasons, i.e., Ginter does not teach or suggest “measuring the number of transactions ***resulting from link traversals ...***,” Claim 5 as filed, emphasis added, should be allowable.

New Claims

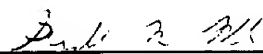
New claims 6-12 have been added. No new matter has been introduced. Allowance of these new claims is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims, i.e., Claims 1-12, are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (781) 861-6240.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Gerald M. Bluhm

Registration No. 44,035

Telephone (781) 861-6240

Facsimile (781) 861-9540

Lexington, Massachusetts 02421-4799

Dated: 1/16/93